

**BUILDING STANDARDS COMMISSION**

2525 Natomas Park Drive, Suite 130  
Sacramento, California 95833-2936  
(916) 263-0916 FAX (916) 263-0959



February 8, 2011

Carmen Benitez, Senior Administrative Assistant  
Fire Department  
City of San Bernardino  
200 East Third Street  
San Bernardino, CA 92522

Dear Ms. Benitez:

This letter is to acknowledge receipt on December 23, 2010 of the City of San Bernardino submittal pertaining to Ordinance No. MC-1340 with findings and is acceptable for filing. Per Health and Safety Code Section 17958.8 no modification or change to the California Building Standards Code shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission (the Commission).

This letter attests only to the filing of these local modifications with the Commission, which is not authorized by law to determine the merit of the filing.

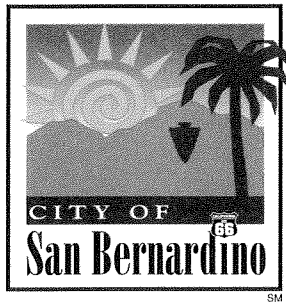
As a reminder, local modifications are specific to a particular edition of the Code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the Code is published. In addition, should you receive Fire Protection District ordinances for ratification, it is required to submit the ratified ordinances to the Department of Housing and Community Development [H&SC Section 13869.7(c)], attention State Housing Law Program Manager, rather than the Commission.

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

Enrique M. Rodriguez  
Associate Construction Analyst

cc: Chron  
Local Filings



**FIRE DEPARTMENT**  
**Community Risk Reduction Division**  
**Michael J. Conrad – Fire Chief**  
**Doug Dupree – Fire Marshal**

200 East Third Street, San Bernardino, CA 92410-4889  
**909-384-5388** Fax 909-384-7237  
**[www.sbcity.org](http://www.sbcity.org)**

December 21, 2010

State of California  
Building Standards Commission  
2525 Natomas Park Dr #130  
Sacramento, CA 95833-2936

SUBJECT: San Bernardino City Ordinance No. MC-1340

Please find enclosed a full, true and correct copy of San Bernardino City's Ordinance No. MC-1340.

Sincerely,

Carmen Benitez  
Senior Administrative Assistant  
San Bernardino City  
Fire Prevention Bureau

2010 DEC 23 AM 11:02  
CITY OF SAN BERNARDINO  
FIRE DEPARTMENT  
COMMUNITY RISK REDUCTION DIVISION

**SBFD Mission Statement**

**The San Bernardino City Fire Department is dedicated to protecting and serving our entire community with a commitment to professionalism and performance excellence**

NOV 23 2010

City Fire-Administration

F/M

**ORDINANCE NO. MC-1340**

**ORDINANCE OF THE CITY OF SAN BERNARDINO AMENDING CHAPTER 15.16 OF THE SAN BERNARDINO MUNICIPAL CODE AND ADOPTING THE 2010 CALIFORNIA FIRE CODE, WITH APPENDICES, AND INCORPORATING BY REFERENCE THE 2009 EDITION OF THE INTERNATIONAL FIRE CODE AND NECESSARY CALIFORNIA AMENDMENTS, TOGETHER WITH CALIFORNIA CODE OF REGULATIONS, TITLE 24.**

**THE MAYOR AND COMMON COUNCIL OF THE CITY OF SAN BERNARDINO DO ORDAIN AS FOLLOWS:**

**Section 1. Findings. The Mayor and Common Council of the City of San Bernardino do hereby find and declare pursuant to California Health and Safety Code Sections 17958, 17958.5, and 17958.7 the following:**

a. Adverse climatic conditions increase the likelihood of fire. Minor fires can rapidly spread to large ones due to extreme heat, frequent periods of drought, low humidity, and yearly winds (Santa Ana), which have been recorded to reach gusts in excess of 90 miles per hour.

b. Existing structures with wood shingles and shakes may contribute to the rapid spread of fire to adjacent structures. Although wood shingles and shakes are no longer approved for new construction in the City, there are many existing structures with this type of roofing material.

c. There is an increased danger of fire because of natural vegetation including grass, chaparral, manzanita, and chamise. Another factor that increases the risk of fire danger to the City is elevation changes from gradual, to in excess of 30%, which include areas within the wildland interface area. Increased development has created additional vehicular traffic on surface streets, freeways bisect the City at the north end and West End, and a freeway borders the City of the south end. Flood Control channels, railways, natural streams and the Santa Ana River also impede responses within the City limits. The rapid increase in single family dwellings and industrial buildings has created many new streets, creating some dead-end streets, additional traffic signals have been installed, all of which increase the response time of fire apparatus, thereby creating a greater risk of life and property from fire.

1  
2 d. There are portions of the City in the Hazardous Fire Area, where water  
3 supply is very limited. Private tanks located on the homeowner's property often  
4 provide the only available water supply for firefighting purposes. Public fire  
5 hydrants, with appropriate fire-flow, are located several thousand feet from  
6 these structures.

7 e. The City has within its boundary potentially active seismic hazards.  
8 Seismic activity occurs within the City and a fire potential exists with these  
9 active faults. Existing structures and planned new developments are at serious  
10 risk from these faults.

11 f. Due to these local climatic, geological and topographical conditions,  
12 there is an express need for changes and modifications in the 2010 Edition of  
13 the California Fire Code.

14 **Section 2. San Bernardino Municipal Code, Chapter 15.16 is amended to**  
15 **read as follows:**

16 **15.16.010 Citation.**

17 The Ordinance codified in this chapter and the code and standards adopted by  
18 reference in Section 15.16.020 shall be known as the California Fire Code.

19 **15.16.020 Code Adopted.**

20 The 2010 Edition of the "California Fire Code" together with the California  
21 Code of Regulations, Title 24, and Appendix Chapter 4, and Appendices B, C,  
22 E, F, G and H, and the International Fire Code, 2009 Edition published by the  
23 International Code Council are adopted by reference into this Chapter, and are  
24 hereby collectively declared to be the Fire Code of the City of San Bernardino. The  
25 provisions of the California Fire Code shall apply to all areas within the  
26 jurisdiction of the City of San Bernardino. One copy of the 2010 Edition of the  
27 California Fire Code, including California Amendments and Appendices is on  
28 file in the Office of the City Clerk.

**15.16.030 Definitions.**

- A. Whenever "jurisdiction" is used in the California Fire Code, it shall mean the City of San Bernardino.
- B. Whenever "chief" is used in the California Fire Code it shall mean the Chief of the Fire Department of the City of San Bernardino, hereinafter called "Fire Chief", or the Chief's authorized representative.
- C. Whenever "corporation counsel" is used in the California Fire Code, it shall mean the City Attorney of the City of San Bernardino.
- D. Whenever "Fire Code Official" is used in the California Fire Code, it shall mean "Fire Marshal" or the Chief's authorized representative.

**15.16.040 Amendments.**

The following sections and provisions of the California Fire Code, (2010 Edition) are amended to read as set forth in Sections 15.16.045 through 15.16.400

**15.16.045 Liability.**

Section 103.4 Chapter 1 of the California Fire Code is amended by adding the following:

**103.4.2 Cost Recovery.**

1. Fire suppression, investigation, rescue, hazardous materials, or emergency medical costs are recoverable in accordance with California Health and Safety Code, Sections 13009 and 13009.1.
2. Any person who negligently or intentionally, or in violation of the law causes an emergency response is liable for the costs of securing such emergency. This shall include but not be limited to situations such as false alarms, traffic accidents, fire watch, or spills of toxic or flammable fluid or chemicals, and the costs related to the investigation of the incident. Expenses incurred by the Fire Department for securing such emergency situation shall constitute a debt of such persons and is collectable by the Fire Chief in the same manner as in the case of any obligation under contract, expressed or implied.

FINDINGS: A,B,C,D,E,F APPLY

**15.16.055 Applicant Appeals.**

Section 108.1 Chapter 1 of the California Fire Code is amended to read as follows:

108.1 Appeals. The applicant may appeal the Fire Chief's denial, suspension or revocation of a permit or his/her interpretation of this code to the Fire Commission within ten days from the date of notice of the decision. The Fire Commission shall render its decision and findings in writing to the Fire Chief with a duplicate copy to the applicant.

Appeal Fees. When appeals are filed a processing fee in an amount established by resolution of the Mayor and Common Council shall be paid by the applicant to research and process the appeal. The fee shall be paid to the Fire Department.

108.3 Delete entire section.

FINDINGS: A,B,C,D,E,F APPLY

**15.16.060 Fire Prevention Bureau Personnel and Police.**

Section 103.3 Chapter 1 of the California Fire Code is amended to read as follows:

103.3 The Fire Chief, Fire Marshal and members of the fire prevention bureau shall have the powers of a peace officer as defined in Section 830.37 of the Penal Code, in performing their duties under this code.

The following persons have the duty, and are hereby authorized, to enforce the provisions of this code and make arrests and issue citations as authorized by law:

1. Fire Chief, Fire Marshal, Fire Prevention Supervisor, Arson Investigators, Firefighters, Fire Plans Examiner/Systems Inspector, Fire Prevention Officers and Fire Prevention Technicians.

2. When requested to do so by the Fire Chief, the Chief of Police is authorized to assign such available police officers as necessary to assist the fire department in enforcing the provisions of this code.

FINDINGS: A,B,C,D,E,F APPLY

**15.16.061 Commencement of Proceedings.**

Section 110 Chapter 1 of the California Fire Code is amended by adding the following:

110.5 Abatement Proceedings. Whenever the Fire Chief or his/her designated representative reasonably believes a violation of the California Fire Code exists, he/she shall commence abatement proceedings in accordance with Chapter 8.30 of the San Bernardino Municipal Code. All hearings shall be conducted by the Fire Chief or his/her designee ("Hearing Officer"). The Hearing Officer may hear matters pertaining to both California Fire Code violations and/or public nuisance violations as enumerated in Section 8.30.010. (Ord. MC-1015, 1-26-98)

FINDINGS: A,B,C,D,E,F APPLY

**15.16.065 Inspections & Inspection Fees.**

Section 105.1.1 Chapter 1 of the California Fire Code is amended by adding the following:

**105.1.1.1 Inspection Fees**

These fees shall be set by Resolution of the Mayor and Common Council.

Inspection Fees - An inspection fee may be charged for Fire Department routine inspections and re-inspections of property to cover the costs of such inspections. The amount of the inspection fee shall be established by Resolution of the Mayor and Common Council.

1. The Fire Marshal may authorize refunding of any fee that was erroneously paid or collected. Requests for refunding of any fee paid shall be submitted by written application no later than 180 days after the date of fee payment.
2. The property owner/occupant charged the inspection fee may appeal the imposition or the amount of the fee. Appeals related to fees shall be pursuant to Section 2.64 of the San Bernardino Municipal Code.

FINDINGS: A,B,C,D,E,F APPLY

Section 105.6.15 Delete

Section 105.6.29 is amended to read as follows:

Section 105.6.29 Miscellaneous combustible storage. An operational permit is required to store in any building or upon any premises in excess of 2,500 cubic feet gross volume of combustible empty packing cases, boxes, barrels or similar containers, cork, or similar combustible material, and any storage amount of rubber and rubber tires.

Section 105.6.35 Delete Exception

Section 105.6.47 Chapter 1 of the California Fire Code is amended by adding the following:

4. Auto Wrecking Yards
  5. Battery storage/Battery systems
  6. Commercial Day Care Facilities
    1. Less than 50
    2. More than 50
  7. Convalescent facilities
  8. Fireworks booths
  9. General inspection/Certificate of Occupancy
  10. High Rise
  11. Hospitals
    1. Less than 100 beds
    2. More than 100 beds
  12. Kitchen Hoods (fixed hood and duct systems)
  13. Large Family Day Care
  14. New business inspection
  15. Pallet Yards > 200 ft<sup>3</sup> of wood or plastic storage
  16. Radioactive materials
  17. Residential board and care
  18. Schools, private and vocational
- FINDINGS: A,B,C,D,E,F APPLY

#### **15.16.070 New Construction and Alterations.**

Section 105.7 Chapter 1 of the California Fire Code is amended to read as follows:



1 1. The fire code official is authorized to issue construction permits for work as  
2 set forth in Chapter 1, Sections 105.7.1 through 105.7.14.

3 2. Approval and Inspection Fees. A fee will be charged for permits, plan  
4 checks and/or inspections for construction or work which requires Fire  
5 Department approval. The amount of the fee shall be established by Resolution  
6 of the Mayor and Common Council.

7 3. Investigation Fees: Work without a Permit. Whenever any work for which a  
8 permit is required by this code has been commenced without first obtaining said  
9 permit, a special investigation shall be made before a permit may be issued for  
10 such work. An investigation fee, in addition to the permit fee, shall be collected  
11 whether or not a permit is then or subsequently issued. The investigation fee  
12 shall be equal to the permit fee required by this code. The payment of such  
13 investigation fee shall not exempt any person from compliance with all other  
14 provisions of this code nor from any penalty prescribed by law. The Fire  
15 Marshal may authorize refunding of any fee paid hereunder which was  
16 erroneously paid or collected. The Fire Marshal may authorize refunding of not  
17 more than 80 percent of the permit fee paid when no work has been done under  
18 a permit issued in accordance with this code. The Fire Marshal may authorize  
19 refunding of not more than 80 percent of the plan review fee paid when an  
20 application for a permit for which a plan review fee has been paid, is withdrawn  
21 or canceled before any plan reviewing is done. The Fire Marshal shall not  
22 authorize refunding of any fee paid except on written application filed by the  
23 original permittee not later than 180 days after the date of fee payment.

24 Section 105.7 of the California Fire Code is amended by adding the following:

25 Section 105.7.15 Solar photovoltaic power systems. A construction permit is  
26 required to install or modify solar photovoltaic power systems.

27 FINDINGS: A,B,C,D,E,F APPLY

### 28 **15.16.075 Authorization to Issue Corrective Orders and Notices.**

Section 109.2 Chapter 1 of the California Fire Code is amended to read as follows:

General. When the chief finds in any building or on any premises combustible, hazardous or explosive materials or dangerous accumulations of rubbish; or finds unnecessary accumulations of wastepaper, boxes, shavings or any highly

1 flammable materials which are so situated as to endanger life or property; or  
2 finds obstructions to or on fire escapes, stairs, passageways, doors or windows  
3 that reasonably tend to interfere with the operations of the fire department or the  
4 egress of the occupants of such building or premises; or finds that the  
5 effectiveness of any exit door, attic separation or any fire separation wall is  
6 reduced; or finds that this code is being violated the chief is authorized to issue  
7 orders as necessary, for the enforcement of the fire prevention laws and  
8 ordinances governing the same, and for the safeguarding of life and property  
9 from fire or any other situation which may effect the health safety of any person  
10 occupying buildings or premises.

FINDINGS: A,B,C,D,E,F APPLY

### 15.16.080 Stopping Uses and Evacuation.

11 Section 110.2 Chapter 1 of the California Fire Code is amended to read as  
12 follows:

13 Stopping uses, evacuation. The Fire Chief is authorized to order any operation  
14 or use immediately stopped or the immediate evacuation of any premises,  
15 building or vehicle, or portion thereof, which is a fire, life or health hazard  
16 deemed unsafe when such building has hazardous conditions that present  
17 imminent danger to building occupants. Persons so notified shall immediately  
18 leave the structure or premises and shall not enter or re-enter until authorized to  
19 do by the fire official of the fire department official in charge of the incident.

FINDINGS: A,B,C,D,E,F APPLY

### 15.16.086 Citations.

21 Section 109.3 Chapter 1 of the California Fire Code is amended to read as  
22 follows:

23 Section 109.3 Violation penalties. Persons who shall violate a provision of this  
24 code or shall fail to comply with any requirements thereof or who shall erect,  
25 install, alter, repair or do work in violation of the approved construction  
26 documents or directive of the Fire Marshal, or of a permit or certificate used  
27 under the provisions of this code, shall be guilty of a misdemeanor, punishable  
28 by a fine not to exceed One Thousand Dollars (\$1,000.00) or by imprisonment  
in the County jail not exceeding six months, or both such fine and  
imprisonment. Each day that a violation continues after due notice has been  
served shall be deemed a separate offense.

1 FINDINGS: A,B,C,D,E,F APPLY

2  
3 **15.16.087 Emergency Abatement/Closure Procedure**

4 Section 110.3 of the California Fire Code is amended to read as follows:

5 110.3 Summary abatement

6  
7 A. Notwithstanding any other provision of this Chapter with reference to the  
8 Abatement of California Fire Code violations, whenever the Fire Chief or  
9 his/her duly authorized representative determines that property, a building  
10 or structure is structurally unsafe, or constitutes a fire hazard, or endangers  
11 the life, health, property or safety of the public or its occupants, and such  
12 condition constitutes an immediate hazard or danger, he or she shall,  
immediately and forthwith abate the existing immediate hazard or danger,  
including but not limited to the closure of the property.

13 B. In lieu of the summary abatement hearing procedures for Dangerous  
14 Buildings in Section 15.28, the Fire Chief or his/her duly authorized  
15 representative shall mail, immediately after such emergency  
16 abatement/closure, a Notice of Hearing to the owners of the real property  
17 upon which the structure is located. Notice shall be mailed to the address  
18 as ascertained from title company records, the latest assessment roll of the  
County Assessor, or if no address is so shown, to the address of the  
19 property as such address may be known by the Fire Chief or duly authorize  
representative. Such notice shall contain the following information:

- 20 1) that a Hearing has been scheduled within twenty (20) days of such  
21 emergency abatement/closure action before the Fire Chief or his/her  
22 designee ("Hearing Officer") with the date, time and location of  
23 such Hearing;
- 24 2) that emergency action was taken with regards to the property;
- 25 3) the reason why he/she has taken the action.

26  
27 At the hearing, the Hearing Officer shall consider all relevant evidence,  
28 including, but not limited to, applicable staff reports. He or she shall give  
any interested person a reasonable opportunity to be heard in conjunction  
therewith. Based upon the evidence so presented, the Hearing Officer shall

determine whether the emergency action was warranted. The hearing shall not be conducted according to formal rules of evidence or procedure, but shall be conducted in a manner generally complying with the Administrative Procedure Act at Government Code Section 11370, et seq.

- C. The expense of the abatement shall be itemized and, after a hearing, notice of which is given in substantial compliance with Section 8.30.040, relating to the emergency nature of the abatement and the expenses incurred, shall constitute a special assessment and lien against the abated parcel as set forth in Sections 8.30.110, 8.30.120, 8.30.130, and 8.30.150.

FINDINGS: A,B,C,D,E,F APPLY

#### **15.16.100 All Weather Driving Surface defined.**

Section 202 of the California Fire Code is amended by adding the following definition:

**ALL WEATHER DRIVING SURFACE** is an approved concrete or asphalt covering of sufficient thickness to support the imposed loads of fire apparatus.

FINDINGS: A,B,C,D,E,F APPLY

#### **15.16.110 Fireworks defined.**

Section 202 of the California Fire Code is amended by amending the definition of "Fireworks" to read as follows:

**FIREWORKS** shall mean and include any combustible or explosive composition, or any substance or combination of substances, or device prepared for the purpose of a visible or audible effect by combustion, explosion, deflagration, or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, firecrackers, torpedoes, skyrockets, roman candles, daygo bombs, sparklers, or other devices of like construction and any devices containing an explosive substance, except that the term "Fireworks" shall not include auto flares, paper caps containing not in excess of 0.25 grain of explosive content per cap or toy pistols, toy canes, toy guns or other devices for use of such caps, the sale and use of which shall be permitted at all times.

FINDINGS: A,B,C,D,E,F APPLY

**15.16.112 Hazardous Fire Area defined.**

Section 202 of the California Fire Code HAZARDOUS FIRE AREA is amended by adding the following definition:

**HAZARDOUS FIRE AREA** is land which is covered with grass, grain brush or forest, whether privately or publicly owned, which is so situated or is of such inaccessible location that fire originating upon such land would present an abnormally difficult job of suppression or would result in great and unusual damage through fire or resulting erosion. Such areas are designated as follows:

**That area within the City lying north of a line extending Easterly from the West City limits to the East City limits and bounded on the South side by streets and highways as follows:**

**Barstow Freeway from West City limits to the intersection of Palm Avenue and the Barstow Freeway; Northerly from the Barstow Freeway on Palm Avenue to Kendall Drive; Easterly on Kendall Drive to 40<sup>th</sup> Street and transition Easterly from the intersection of Kendall Drive and 40<sup>th</sup> Street; on 40<sup>th</sup> Street; and continue Easterly to Mountain Avenue; from the intersection of 40<sup>th</sup> Street and Mountain Avenue; Southerly on Mountain Avenue to 39<sup>th</sup> Street; Easterly on 39<sup>th</sup> Street to Del Rosa Avenue; Southerly from the intersection of 39<sup>th</sup> Street to Marshall Boulevard; Easterly from the intersection of Del Rosa Avenue and Marshall Boulevard on Marshall Boulevard; Marshall Boulevard to Victoria Avenue; Victoria Avenue to Piedmont Drive; Piedmont Drive East to Diablo Drive; Diablo Drive East to El Toro Street; El Toro Street extending East to Highway 330; Highway 330 South to Highland Avenue; thence East and South-easterly along the centerline of Highland Avenue to the centerline of Church Street.**

**Inclusive of area beginning at the intersection of Pacific Street and Del Rosa Avenue; Pacific Street West to Perris Hill Park Road; Perris Hill Park Road North in a line to intersect Highland Avenue; Highland Avenue East to Del Rosa Avenue; Del Rosa Avenue South to Pacific Street.**

**Inclusive of area beginning at the intersection of Little Mountain Drive and Kendall Drive; Kendall Drive East to 40<sup>th</sup> Street; 40<sup>th</sup> Street East to Electric Avenue; Electric Avenue South to Thompson Place; Thompson Place West to Mayfield Avenue; Mayfield Avenue South to 36<sup>th</sup> Street; 36<sup>th</sup>**

1 Street West to "F" Street; "F" Street South to 33<sup>rd</sup> Street; 33<sup>rd</sup> Street West  
2 to "H" Street' "H" Street South to Marshall Boulevard; Marshall  
3 Boulevard West in a line to intersect Cajon Boulevard; Cajon Boulevard  
4 West to University Parkway/State Street; University Parkway North to  
5 State Street; State Street North to Morgan Road; Morgan Road East to  
6 Little Mountain Drive; Little Mountain Drive North to Kendall Drive.

7 Hazardous Fire Areas shall be inclusive of any additional land area,  
8 whether publicly or privately owned, which the Fire Chief of the Fire  
9 Department determines to be so situated or so inaccessible that fire upon  
10 said land could present an abnormally difficult task of fire suppression.  
11 Such additional land areas shall be designated on a map available to the  
12 public and maintained by the Fire Department at the Central Fire Station,  
13 200 East Third Street, San Bernardino. The Fire Chief shall provide a  
14 written description of the boundaries of any additional land area to the  
15 City Clerk who shall provide for publication of notice thereof pursuant to  
16 the provisions of California Government Code 6061 (MC-1023, 5-18-98;  
17 Ord. MC-984, 11-4-96)

18 FINDINGS: A,B,C,D,E,F APPLY

#### 15.16.114 Special Event defined.

19 A non-routine activity within a community that brings together a large number  
20 of people. Emphasis is not placed on the total number of people attending but  
21 rather the impact on the community's ability to respond to large-scale  
22 emergency or disaster or the exceptional demands that the activity places on  
23 response services. A community's special event requires additional planning,  
24 preparedness, and mitigation efforts of local response and public safety  
25 agencies.

#### 15.16.118 Suppression and control of Hazardous Fire Areas.

26 Chapter 3 of the California Fire Code is amended by adding the following:

27 Section 318 Suppression and control of hazardous fire areas.

##### Section 318.1 Scope.

28 The unrestricted use of grass-, brush-, or forest-covered land in hazardous fire  
areas is a potential menace to life and property from fire and resulting erosion.  
Safeguards to prevent the occurrence of fires and to provide adequate fire-

1 protection facilities to control the spread of fire which might be caused by  
2 recreational, residential, commercial, industrial or other activities conducted in  
3 hazardous fire areas shall be in accordance with this section.

4 Section 318.2 Definitions. For the purpose of Section 318, certain terms are  
5 defined as follows:

- 6 1. Tracer is any bullet or projectile incorporating a feature which marks  
7 or traces the flight of said bullet or projectile by flame, smoke or other  
8 means which results in fire or heat.
- 9 2. Tracer Charge is any bullet or projectile incorporating a feature  
10 designed to create a visible or audible effect by means which result in  
11 fire or heat and shall include any incendiary bullets and projectiles.

12 Section 318.3 Permits. The fire code official is authorized to stipulate conditions  
13 for permits. Permits shall not be issued when public safety would be at risk, as  
14 determined by the fire code official.

15 Section 318.4 Smoking. Lighting, igniting or otherwise setting fire to or smoking  
16 tobacco, cigarettes, pipes or cigars in posted areas is prohibited.

17 Section 318.5 Spark Arrestors. All existing chimneys used in conjunction with  
18 fireplaces, barbecues, incinerators or heating appliances in which solid, gas, or  
19 liquid fuel is used shall be provided with a spark arrester constructed with heavy  
20 wire mesh or other noncombustible material with openings not to exceed  $\frac{1}{2}$  inch.

21 Section 318.6 Tracer Bullets, Tracer Charges, Rockets, and model Aircraft.

- 22 1. Tracer bullets and tracer charges shall not be possessed, fired or caused to  
23 be fired in the Special Protection Area.
- 24 2. Rockets, model planes, gliders and balloons powered with an engine,  
25 propellant or other feature liable to start or cause fire shall not be fired or  
26 projected in the Special Protection Area without a permit from the fire code  
27 official.

28 Section 318.7 Apiaries. Lighted and smoldering material shall not be used in  
connection with smoking bees in or upon the very high fire severity zones except  
by permit from the fire code official.

Section 318.8 Outdoor Fires. Outdoor fires shall not be built, ignited or maintained in the Hazardous Fire Area, except by permit from the fire code official.

EXCEPTION: Outdoor fires within inhabited premises or designated campsites where such fires are built in a permanent barbecue, portable barbecue, outdoor fireplace, incinerator or grill and are a minimum of 30 feet from a grass-, grain-, brush- or forest-covered area.

Permits shall incorporate such terms and conditions which will reasonably safeguard public safety and property. Outdoor fires shall not be built, ignited or maintained in the Special Protection Area under the following conditions:

1. When high winds are blowing,
2. When a person age 17 or over is not present at all times to watch and tend such fire, or
3. When public announcement is made that open burning is prohibited.

Permanent barbecues, portable barbecues, outdoor fireplaces or grills shall not be used for the disposal of rubbish, trash or combustible waste material.

Section 318.9 Clearance of brush and vegetative growth from electrical transmission lines.

General. Clearance of brush and vegetative growth from electrical transmission and distribution lines shall be in accordance with Section 318.9.

EXCEPTION:

Section 318.9 does not authorize persons not having legal right of entry to enter on or damage the property of others without consent of the owner.

Section 318.9.1 Support Clearance. Persons owning, controlling, operating or maintaining electrical transmission or distribution lines shall have an approved program in place that identifies poles or towers with equipment and hardware types that have a history of becoming an ignition source, and provides a combustible free space consisting of a clearing of not less than 10 feet in each direction from the outer circumference of such pole or tower during such periods of time as designated by the fire code official.



EXCEPTION: Lines used exclusively as telephone, telegraph, messenger call, alarm transmission or other lines classed as communication circuits by a public utility.

Section 318.9.2 Electrical Distribution and Transmission Line Clearances General. Clearances between vegetation and electrical lines shall be in accordance with Section 318.9.2.

Section 318.9.2.1 Trimming clearance. At the time of trimming, clearances not less than those established by Table 318.9.2 (1) should be provided. The radial clearances shown below are minimum clearances that should be established, at time of trimming, between the vegetation and the energized conductors and associated live parts.

EXCEPTION: The fire code official is authorized to establish minimum clearances different than those specified in Table 318.9.2 (1) when evidence substantiating such other clearances is submitted to the chief and approved.

Section 318.9.2.2 Minimum clearance to be maintained. Clearances not less than those established by Table 318.9.2 (2) shall be maintained during such periods of time as designated by the chief. The site specific clearance achieved, at time of pruning, shall vary based on species growth rates, the utility company specific trim cycle, the potential line sway due to wind, line sway due to electrical loading and ambient temperature, and the tree's location in proximity to the high voltage lines.

EXCEPTION: The chief is authorized to establish minimum clearances different than those specified by Table 318.9.2 (2) when evidence substantiating such other clearances is submitted to the chief and approved.

TABLE 318.9.2 (1) MINIMUM CLEARANCES BETWEEN VEGETATION  
AND ELECTRICAL LINES AT TIME OF TRIMMING

LINE VOLTAGE E	MINIMUM RADIAL CLEARANCE FROM CONDUCTOR (feet)
	× 304.8 mm
2,400- 72,000	4
72,001- 110,000	6
110,001- 300,000	10
300,001 or more	15

TABLE 318.9.2 (2) MINIMUM CLEARANCES BETWEEN VEGETATION  
AND ELECTRICAL LINES TO BE MAINTAINED

LINE VOLTAGE	MINIMUM CLEARANCE (inches)
	× 25.4 MM
750-35,000	6
35,001-60,000	12
60,001-115,000	19
115,001-230,000	30½
230,001-500,000	115

Section 318.9.3 Electrical power line emergencies. During emergencies, the utility company shall perform the required work to the extent necessary to clear the hazard. An emergency can include situations such as trees falling into power lines, or trees in violation of Table 318.9.2 (2)

Section 316.11.4 Correction of Condition. The fire code official is authorized to give notice to the owner of the property on which conditions regulated by Section 318.9 exist to correct such conditions.

1 Section 318.10 Dumping. Garbage, cans, bottles, papers, ashes, refuse, trash,  
2 rubbish or combustible waste material shall not be placed, deposited or dumped in  
3 or upon hazardous fire areas or in, upon or along trails, roadways or highways in  
4 the Hazardous Fire Area.

5 EXCEPTION: Approved public and private dumping areas.

6 Section 318.11 Disposal of ashes. Ashes and coals shall not be placed, deposited  
7 or dumped in or upon the Hazardous Fire Area.

8 EXCEPTIONS:

- 9 1. In the hearth of an established fire pit, camp stove or fireplace.
- 10 2. In a noncombustible container with a tight-fitting lid, which is kept or  
11 maintained in a safe location not less than 10 feet from combustible  
12 vegetation or structures.
- 13 3. Where such ashes or coals are buried and covered with 1 foot of mineral  
14 earth not less than 25 feet from combustible vegetation or structures.

15 Section 318.12 Use of fire roads and firebreaks. Motorcycles, motor scooters and  
16 motor vehicles shall not be driven or parked upon, and trespassing is prohibited  
17 upon, fire roads or firebreaks beyond the point where travel is restricted by a cable,  
18 gate or sign, without the permission of the property owners. Vehicles shall not be  
19 parked in a manner which obstructs the entrance to a fire road or firebreak.

20 EXCEPTION: Public officers acting within their scope of duty.

21 Radio and television aerials, guy wires thereto, and other obstructions shall not be  
22 installed or maintained on fire roads or firebreaks unless located 16 feet or more  
23 above such fire road or firebreak.

24 Section 318.13 Use of motorcycles, motor scooters and motor vehicles.  
25 Motorcycles, motor scooters and motor vehicles shall not be operated within area  
26 closed per section 318.19, without a permit by the fire code official, except upon  
27 clearly established public or private roads. Permission from the property owner  
28 shall be presented when requesting a permit.

29 Section 318.14 Tampering with fire department locks, barricades and signs.  
30 Locks, barricades, seals, cables, signs and markers installed within special  
31 protection area, by or under the control of the chief, shall not be tampered with,

1 mutilated, destroyed or removed. Gates, doors, barriers and locks installed by or  
2 under the control of the fire code official shall not be unlocked.

3 Section 318.15 Liability for damage. The expenses of fighting fires which result  
4 from a violation of Section 318 shall be a charge against the person whose  
5 violation of Section 318 caused the fire. Damages caused by such fires shall  
6 constitute a debt of such person and are collectable by the fire code official in the  
7 same manner as in the case of an obligation under a contract, expressed or implied.

8 Section 318.16 Clearance of brush or vegetative growth from structures.

9 318.16.1 General. Persons owning, leasing, controlling, operating or maintaining  
10 buildings or structures in the Hazardous Fire Area, and persons owning, leasing  
11 or controlling land adjacent to such buildings or structures, shall at all times:

- 12 1. Maintain an effective firebreak by removing and clearing away flammable  
13 vegetation and combustible growth from areas within 100 feet of such  
14 buildings or structures;

15 Exception:

- 16 (a). Single specimens of trees, ornamental shrubbery or similar  
17 plants used as ground covers, provided that they do not form a  
18 means of rapidly transmitting fire from the native growth to any  
19 structure.

- 20 2. Maintain additional fire protection or firebreak by removing brush,  
21 flammable vegetation and combustible growth beyond the 100 feet from such  
22 buildings or structures, when required by the fire code official because of  
23 extra hazardous conditions causing a firebreak of only 100 feet to be  
24 insufficient to provide reasonable fire safety.

25 Exception:

- 26 (b). Grass and other vegetation located more than 100 feet from  
27 buildings or structures and less than 18 inches in height above  
28 the ground need not be removed where necessary to stabilize the  
soil and prevent erosion.

3. Remove portions of trees which extend within 10 feet of the outlet of a chimney.
4. Maintain trees adjacent to or overhanging a building free of deadwood.
5. Trees shall be trimmed to provide a minimum of 10-foot ground clearance.
6. Trees shall be cut/pruned at the angle of the slope in which they reside.

- 1 7. Irrigated surface fuels shall be maintained at a height not to exceed 18  
2 inches.
- 3 8. Maintain the roof of a structure free of leaves, needles or other dead  
4 vegetative growth.
- 5 9. Debris and trimmings shall be removed from the site, or chipped and  
6 converted into mulch then evenly dispersed in the same area to a maximum  
7 depth of three (3) inches.
- 8 10. Deadwood and tree litter shall be regularly removed from trees.
- 9 11. Tree crowns extending to within 10 feet of any structure shall be pruned to  
10 maintain a 10-foot clear horizontal distance.

11 Section 318.17 Clearance of brush or vegetation growth from roadways. The fire  
12 code official is authorized to cause areas within 10 feet on each side of portions of  
13 highways and private streets which are improved, designed or ordinarily used for  
14 vehicular traffic to be cleared of flammable vegetation and other combustible  
15 growth. The fire code official is authorized to enter upon private property to do so.

16 Exception: Single specimens of trees, ornamental shrubbery or cultivated  
17 ground cover such as green grass, ivy, succulents or similar plants used as  
18 ground covers, provided that they do not form a means of readily transmitting  
19 fire.

#### 20 Section 318.18 Use of Equipment

- 21 1. Except as otherwise provided in this section, no person shall use, operate, or  
22 cause to be operated, in, upon or adjoining any Hazardous Fire Area, any  
23 internal combustion engine which uses hydrocarbon fuels, unless the engine is  
24 equipped with a spark arrester and maintained in effective working order, or  
25 the engine is constructed, equipped and maintained for the prevention of fire.
- 26 2. Spark arresters affixed to the exhaust system of engines or vehicles subject to  
27 this section shall not be placed or mounted in such a manner as to allow  
28 flames or heat from the exhaust system to ignite any flammable material.
3. A spark arrester is a device constructed of nonflammable material specifically  
for the purpose of removing and retaining carbon and other flammable  
particles over 0.0232 of an inch in size from the exhaust flow of an internal  
combustion engine that uses hydrocarbon fuels or which is qualified and rated  
by the United States Forest Service.

4. Engines used to provide motor power for trucks, truck tractors, buses, and passenger vehicles, except motorcycles, are not subject to this section if the exhaust system is equipped with a muffler as defined in the Vehicle Code of the State of California.
5. Turbocharged engines are not subject to this section if all exhausted gases pass through the rotating turbine wheel, there is no exhaust bypass to the atmosphere, and the turbocharger is in effective mechanical condition.

Section 318.19 Restricted entry. The fire code official shall determine and publicly announce when areas within the Hazardous Fire Area shall be closed to entry and when such areas shall again be opened to entry. Entry on and occupation of hazardous fire areas, except public roadways, inhabited areas or established trails and camp sites which have not been closed during such time when the hazardous fire area is closed to entry, is prohibited.

Exceptions:

1. Residents and owners of private property within hazardous fire areas and their invitees and guests going to or being upon their lands.
2. Entry, in the course of duty, by peace or police officers, and other duly authorized public officers, members of a fire department and members of the United States Forest Service.
3. A permit has been issued by the San Bernardino Fire Department to enter a fire-closure area.

Section 318.20 Trespassing on posted property.

1. General. When the fire code official determines that a specific area within the special protection area presents an exceptional and continuing fire danger because of the density of natural growth, difficulty of terrain, proximity to structures or accessibility to the public, such areas shall be closed until changed conditions warrant termination of closure. Such areas shall be posted as hereinafter provided.
2. Signs. Approved signs prohibiting entry by unauthorized persons and referring to applicable fire code chapters shall be placed on every closed area.
3. Trespassing. Entering and remaining within areas closed and posted is prohibited.

Exception: Owners and occupiers of private or public property within closed and posted areas, their guests or invitees, and local, state and federal public officers and their authorized agents acting in the course of duty.

Section 318.21 Explosives and blasting. Explosives shall not be possessed, kept, stored, sold, offered for sale, given away, used, discharged, transported or disposed of within the Hazardous Fire Area except by permit from the fire code official.

Section 318.22 Fireworks. Fireworks shall not be used or possessed in the Hazardous Fire Area.

The Chief is authorized to seize, take, remove or cause to be removed fireworks in violations of Section 318.22.

Section 318.23 Unusual Circumstances. The fire code official may suspend enforcement and require reasonable alternative measures designed to advance the purposes of this section if he/she determines in any specific case that any of the following conditions exist:

1. Difficult terrain.
2. Danger of erosion.
3. Presence of plants included in any state and federal resources agencies, California Native Plant Society and county-approved list of wildlife, plants, rare, endangered and/or threatened species.
4. Stands or groves of trees or heritage trees.
5. Other unusual circumstances that make strict compliance with the clearance of vegetation provisions of Section 318 undesirable or impractical.

Section 318.24 Storage of Firewood and Combustible Material. Firewood and combustible material shall not be stored in unenclosed spaces beneath buildings or structures, or on decks or under eaves, canopies or other projections or overhangs. When required by the fire code official, storage of firewood and combustible material stored in the defensible space shall be located a minimum of 20 feet from structures and separated from the crown of trees by a minimum horizontal distance of 15 feet.”

FINDINGS:A,B,C,D,E,F APPLY

**15.16.120 Spark Arrester defined.**

Section 202 of the California Fire Code is amended by adding the following definition:

**SPARK ARRESTER** is a device constructed of stainless steel, aluminum, copper, or brass, woven galvanized wire mesh, nineteen gauge minimum or three-eighths inch minimum to one-half inch maximum openings, mounted in or over all outside flue openings in a vertical or near vertical post, adequately supported to prevent movement and to be visible from the ground.

FINDINGS: A,B,C,D,E,F APPLY

**15.16.121 Safe and Sane Fireworks defined.**

Section 202 of the California Fire Code is amended by adding the following definition:

**Safe and Sane Fireworks** means any fireworks which do not come within the definition of "dangerous fireworks" or "exempt fireworks" as defined in the California Health and Safety Code.

FINDINGS: A,B,C,D,E,F APPLY

**15.16.126 Premises Identification.**

Section 505.1 of the California Fire Code is amended to read as follows:

Section 505.1 Address Identification. New and existing buildings shall have *approved* address numbers, building numbers, or *approved* building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 6" high if the building is 100 lineal feet or less on the street elevation. If greater than 100 lineal feet, numbers shall be a minimum of 12" high. The minimum stroke width shall be 0.5 inch. Where access is by means of a private road and the building cannot be viewed from the *public way*, a monument, pole, or other sign or means shall be used to identify the structure. In addition, all fire department PIV's, FDC's, OS&Y's, etc., shall have a permanent address sign identifying the building or fire system that it serves.



**15.16.135 Fire Department Access.**

Section 503.1.1 of the California Fire Code is amended to read as follows:

503.1.1 Required Access. Fire apparatus access roads shall be required for every building hereafter constructed. The access roadway shall be extended to within one hundred fifty (150) feet of, and shall give reasonable access to, all portions of the exterior walls of the first story of any building. An access road shall be provided within fifty (50) feet of all multiple story buildings or when the natural grade between the access road and building is in excess of thirty (30%).

FINDINGS: A,C,D,E,F APPLY

**15.16.140 Maintenance of Access Roadways.**

Section 503.3 of the California Fire Code is amended to read as follows:

503.3 Marking of fire apparatus access roads. As directed by the Fire Marshal, the owner or the individual in control of emergency access roadways and streets in private developments shall paint curbs red and label in six inch by one-half inch white letters "NO PARKING- FIRE LANE" every twenty feet where parking is not allowed.

and/or

Conspicuously post legible, permanent all-weather signs with lettering having a minimum height of two inches and a minimum width of one-half inch every fifty feet. Signs are to read "NO PARKING- FIRE LANE".

FINDINGS: A,B,C,D,E,F APPLY

Section 503.4 of the California Fire Code is amended by adding the following:

503.4.1 Entrances to roads, trails or other access ways, which have been closed with gates and barriers in accordance with Section 503.5 shall not be obstructed by parked vehicles.

Any obstruction or impedance with reasonable access may be removed or repaired forthwith by any public safety agency. The expense of removal or repair is to be borne by the owner of the roadway. In the case of an obstructing vehicle or object, the expense is to be borne by the owner of said vehicle or object.

Section 503.2 of the California Fire Code is amended by adding the following:

503.2.9 Prior to combustible construction, the owner or contractor shall provide and maintain concrete or asphalt roadways that will support the imposed loads of emergency apparatus in all weather conditions.

FINDINGS: A,B,C,D,E,F APPLY

### **15.16.155 Automatic Fire Extinguishing Systems.**

Section 903.2 of the California Fire Code is amended by adding the following:

903.2 Where required. An automatic fire extinguishing system shall be installed in all newly constructed buildings where the square footage is 5,000 square feet or more, and throughout all occupancies as set forth in this section. All portions of the building shall comply. No partial systems allowed. This section shall apply to the following:

1. The existing building square footage is increased to 5000 square feet or more, or the existing square footage is 5,000 or more and any additional square footage or appendage is added.
2. The existing building is, or exceeds 5000 square feet and the cumulative amount of remodeling, rehabilitation or repairs exceed 50% or more of the total floor area of the building, as determined by the Chief and Building Official.
3. In buildings that are, or exceed 5000 square feet which have been vacant, or lack a verifiable legal occupancy for a period of 365 days. (San Bernardino Municipal Code Title 5 and Title 15)
4. Buildings which are, or exceed 5000 square feet and have a change in use or occupancy classification, which increases the fire hazard of the structure or the life safety of the occupants as determined by the Chief.

1 5. Buildings which have had an occupancy change and exceed the maximum  
2 allowable square footage per occupancy type as set forth in the California  
3 Fire Code, Chapter 9.

4 For purposes of this section, fire walls and fire partitions shall not define  
5 separate buildings. A clear unattached space of not less than (10) feet shall  
6 define separate buildings.

7 FINDINGS: A,B,C,D,E,F APPLY

8 **15.16.170 Power Source.**

9 Section 907.2.11.4 of the California Fire Code is amended by adding the  
10 following:

11 907.2.11.4.1 Power Source. When required by the Fire Marshal in existing  
12 Group R Occupancies smoke alarms shall receive their primary power from the  
13 building wiring where such wiring is served from a commercial source and  
14 shall be equipped with a battery backup. Smoke alarms shall emit a signal when  
15 batteries are low. The wiring shall be permanent and without a disconnecting  
16 switch other than those required for overcurrent protection. Locations of the  
17 smoke detectors shall be determined by the California Building Code.

18 FINDINGS: A,B,C,D,E,F APPLY

19 **15.16.180 Storage of Combustible Pallets**

20 Chapter 19 of the California Fire Code is amended by adding the following:

21 Section 1910 Storage of Combustible Idle Pallets.

22 1910.1 General. Storage of combustible idle pallets shall be in accordance with  
23 this section. A permit shall be obtained in accordance with Chapter 1, Section  
24 105.6.

25  
26 1910.2 Storage location. Pallets shall be stored outside or in a separate building  
27 designed for pallet storage unless stored indoors in accordance with Section  
28 1910.3.

1910.3 Indoor storage. Pallet storage in a building used for other storage or other purpose shall be in accordance with the provisions for high-hazard commodity high-piled combustible storage contained in Chapter 23.

Exception: When indoor storage does not exceed 6 feet (1.8 m) in height and the aggregate volume of all stored pallets does not exceed 2,500 cubic feet (70.8 m<sup>3</sup>).

1910.4 Outdoor storage. Pallets stored outside shall be stored in accordance with Table 1910.4.1 and Table 1910.4.2 and Sections 1910.5 and 1910.6

1910.5 Outdoor pile dimensions. Pallet stacks shall not exceed 15 feet (4.6 m) in height nor shall cover an area greater than 500 square feet (46.5 m<sup>2</sup>). Pallet stacks shall be arranged to form stable piles. Piles shall be separated by a minimum of 8 feet (2.5 m). Piles shall be a minimum of 10 feet (3.1 m) from property lines.

1910.6 Fire department access. Fire Department access roadways, meeting the requirements of the City of San Bernardino Fire Department, shall be maintained within 150 feet of all pallet storage and structures.

Table 1910.4.1

Required Clearance Between Outside Idle Pallet Storage and Other Yard Storage

Pile Size	Minimum Distance, in feet (m)
Under 50 pallets	20 (6.1 m)
50-200 pallets	30 (9.2 m)
Over 200 pallets	50 (15.2 m)

Table 1910.4.2

## Required Clearance Between Outside Idle Pallet Storage and Structures

Wall Construction	Minimum distance of Wall from Storage, in feet (m)		
	Under 50 Pallets	50 to 200 Pallets	Over 200 Pallets
Masonry or concrete with no openings	0	0	15 (4.6 m)
Masonry with wired glass in openings, outside sprinklers and 1-hour doors	0	10 (3.1 m)	20 (6.1 m)
Masonry with wired or plain glass, outside sprinklers, and 3/4-hour doors	10 (3.1 m)	20 (6.1 m)	30 (9.2 m)
Wood or metal with outside sprinklers	10 (3.1 m)	20 (6.1 m)	30 (9.2 m)
Wood, metal, other	20 (6.1 m)	30 (9.2 m)	50 (15.2 m)

**15.16.200 Individual Piles.**

Section 2505.1 of the California Fire Code is amended to read as follows:

2505.1 Individual piles. Tires shall be restricted to individual piles not exceeding 2,500 square feet of continuous area. Piles shall not exceed 25,000 cubic feet in volume or 10 feet in height

FINDINGS: A,B,C,D,E,F APPLY

**15.16.205 Sparks from Chimneys.**

Section 603.2 of the California Fire Code is amended by adding the following:

603.2.1 Sparks from Chimneys. Each chimney used in conjunction with any fireplace or any heating appliance in which solid or liquid fuels are used shall be maintained with an approved spark arrester. An approved spark arrester shall mean a device constructed of stainless steel, aluminum, copper, or brass, woven galvanized wire mesh, nineteen gauge minimum or three-eighths inch minimum to one-half inch maximum openings, mounted in or over all outside

1 flue openings in a vertical or near vertical position, adequately supported to  
2 prevent movement and to be visible from the ground.

3 FINDINGS: A,B,C,D,E,F APPLY

#### 4 **15.16.215 Fire Damage.**

5 Section 110 Chapter 1 of the California Fire Code is amended by adding the  
6 following:

7 110.5 Fire Damage. The owner, occupant or other persons under his control,  
8 having any property, or materials on a property damaged by fire, when access  
9 by the public is possible, shall secure the property by boarding up all openings,  
10 fencing, barricading or other appropriate measures as determined by the Chief.

11 All debris and/or damaged materials shall be removed from the property and  
12 proof furnished that contractual arrangements have been made for demolition,  
13 replacement or repair of all fire damaged structures remaining on property  
involved in the fire, as determined by the Chief.

14 FINDINGS: A,B,C,D,E,F APPLY

#### 15 **15.16.220 False Alarm.**

16 Section 401.5 of the California Fire Code is amended by adding the following:

17 401.5.1 False Alarms. False alarms shall not be given, signaled or transmitted  
18 or caused or permitted to be given, signaled or transmitted in any manner.  
19 Failure to comply with this Section will result in penalties charged as prescribed  
20 in Section 103.4.2 Cost Recovery of the California Fire Code.

21 FINDINGS: A,B,C,D,E,F APPLY

#### 22 **15.16.235 Standby Personnel for Public Gatherings.**

23 Section 403.1 of the California Fire Code is amended to read as follows:

24 Section 403.1 Standby Personnel. Whenever, in the opinion of the Fire Chief, it  
25 is essential for public safety in any place of public assembly or any other place  
26 where people congregate, due to the number of persons, or the nature of the  
27 performance, exhibition, display, contest or activity, the owner, agent or lessee  
28 shall reimburse the Fire Department for one or more qualified persons as  
required and approved by the Fire Chief to be on duty at such place. Such

1 individuals shall be subject to the Fire Chief's orders at all times when so  
2 employed and shall remain on duty during the time such places are open to the  
3 public, or when such activity is being conducted.

4 Section 403.1.1 Fire Prevention Personnel. Before each performance or the  
5 start of such activity, said personnel shall inspect the required fire appliances  
6 provided to determine that such devices are in proper place and in good  
7 working order and inspect exits and aisles to ensure such passageways are clear  
8 and adequate, and shall keep diligent watch for any safety violations during the  
9 time such place is open to the public or such activity is being conducted and  
10 take prompt measures for correcting problems that may occur. Such individuals  
11 shall not be required or permitted, while on duty, to perform any other duties  
12 than those herein specified.

13 Section 403.1.2 Special Event Medical Plan Required. Whenever, in the  
14 opinion of the Fire Chief, it is essential for public safety in any place of public  
15 assembly or any other place where people congregate, due to the number of  
16 persons, or the nature of the performance, exhibition, display, contest or  
17 activity, the owner, agent or lessee shall submit a Special Event Medical Plan  
18 for approval by the Fire Department. This plan shall be submitted at least 30  
19 days prior to the special event. The owner, agent, or lessee shall provide  
20 additional emergency medical services, ambulance service, equipment, supplies  
21 and personnel, as the Fire Department may require because of special  
22 circumstances, including but not limited to the location and nature of the event,  
23 accessibility to existing emergency medical services systems, access, and  
24 weather conditions. In the event that the actual attendance at a special event  
25 exceeds the estimate used for determining the required equipment, supplies and  
26 personnel by more than 20 percent, it shall be the responsibility of the owner,  
27 agent, or lessee to immediately provide the additional medical equipment,  
28 supplies, and personnel required.

FINDINGS: A,C,D,E,F APPLY

### **15.16.240 Solar Photovoltaic Power Systems.**

Section 605 of the California Fire Code is amended by adding the following:

SECTION 605.11 Solar Photovoltaic Power Systems. Solar photovoltaic power systems shall be installed in accordance with this code, the California Building Code and California Electric Code.

Exception: Detached Group U non-habitable structures such as parking shade structures, carports, solar trellises, and similar type structures are not subject to the requirements of this section.

605.11.1 Marking. Marking is required on all interior and exterior dc conduit, enclosures, raceways, cable assemblies, junction boxes, combiner boxes, and disconnects.

605.11.1.1 Materials. The materials used for marking shall be reflective, weather resistant and suitable for the environment. Marking as required in sections 605.11.3 through 605.11 shall have all letters capitalized with a minimum height of 3/8 inch (9.5 mm) white on red background.

605.11.1.2 Marking content. The marking shall contain the words "WARNING: PHOTOVOLTAIC POWER SOURCE".

605.11.1.3 Main service disconnect. The marking shall be placed adjacent to the main service disconnect in a location clearly visible from the location where the disconnect is operated.

605.11.1.4 Location of Marking. Marking shall be placed on all interior and exterior dc conduit, raceways, enclosures and cable assemblies every 10 feet (3048 mm) within 1 foot (305 mm) of all turns or bends and within 1 foot (305 mm) above and below all penetrations of roof/ceiling assemblies and all walls and /or barriers.

605.11.2 Locations of DC conductors. Conduit, wiring systems, and raceways for photovoltaic circuits shall be located as close as possible to the ridge or hip or valley and from the hip or valley as directly as possible to an outside wall to reduce trip hazards and maximize ventilation opportunities. Conduit runs between sub arrays and to DC combiner boxes shall be installed in a manner that minimizes total amount of conduit on the roof by taking the shortest path from the array to the DC combiner box. The DC combiner boxes shall be located such that conduit runs are minimized in the pathways between arrays. DC wiring shall be run in metallic conduit or raceways when located within



enclosed spaces in a building. Conduit shall run along the bottom of load bearing members.

605.11.3 Access and pathways. Roof access, pathways, and spacing requirements shall be provided in order to ensure access to the roof; provide pathways to specific areas of the roof; provide for smoke ventilation operations; and to provide emergency egress from the roof.

Exceptions:

1. Requirements relating to ridge, hip, and valleys do not apply to roofs slopes of two units vertical in twelve units horizontal (2:12) or less.
2. Residential structures without ridges shall be designed so that each array is no greater than 150 feet (45 720 mm) by 150 feet (45 720 mm) in either axis.
3. The fire chief may allow panels/modules to be located up to the ridge when an alternative ventilation method acceptable to the fire chief has been provided or where the fire chief has determined vertical ventilation techniques will not be employed.

605.11.3.1 Roof access points. Roof access points shall be defined as an area that does not place ground ladders over openings such as windows or doors, and are located at strong points of building construction in locations where the access point does not conflict with overhead obstructions such as tree limbs, wires, or signs.

605.11.3.2 Residential systems for one- and two-family residential dwellings. Access shall be provided in accordance with Sections 605.11.3.2.1 through 605.11.3.2.4

605.11.3.2.1 Residential buildings with hip roof layouts. Panels /modules shall be located in a manner that provides a 3 foot (914 mm) wide clear access pathway from the eave to the ridge on each roof slope where panels/modules are located. The access pathway shall be located at a structurally strong location on the building capable of supporting the live load of fire fighters accessing the roof.

605.11.3.2.2 Residential buildings with a single ridge. Panels/modules shall be located in a manner that provides two 3 foot (914 mm) wide access pathways from the eave to the ridge on each roof slope where panels/modules are located.

605.11.3.2.3 Hips and Valleys: Panels/modules shall be located no closer than 18 inches (457 mm) to a hip or a valley if panels/modules are to be placed on both sides of a hip or valley. If the panels are to be located on only one side of a hip or valley that is of equal length then the panels shall be permitted to be placed directly adjacent to the hip or valley.

605.11.3.2.4 Smoke Ventilation. Panels/modules shall be located no higher than 3 feet (914 mm) below the ridge in order to allow for fire department smoke ventilation operations.

605.11.3.3 All other occupancies. Access shall be provided in accordance with Sections 605.11.3.3.1 through 605.11.3.3.3.

Exception: Where it is determined by the fire code official that the roof configuration is similar to a one- or two-family dwelling, the fire code official may approve the residential access and ventilation requirements provided in 605.11.3.2.1 through 605.11.3.2.4.

605.11.3.3.1 Access. There shall be a minimum 6 foot (1829 mm) wide clear perimeter around the edges of the roof.

Exception: If either axis of the building is 250 feet (76 200 mm) or less, there shall be a minimum 4 foot (1290 mm) wide clear perimeter around the edges of the roof.

605.11.3.3.2 Pathways. The solar installation shall be designed to provide designated pathways. The pathways shall meet the following requirements:

1. The pathway shall be over areas capable of supporting the live load of fire fighters accessing the roof
2. The center line axis pathways shall be provided in both axes of the roof. Center line axis pathways shall run where the roof structure is capable of supporting the live load of firefighters accessing the roof.
3. Shall be straight line not less than 4 feet (1290 mm) clear to skylights and/or ventilation hatches
4. Shall be straight line not less than 4 feet (1290 mm) clear to roof standpipes
5. Shall provide not less than 4 feet (1290 mm) clear around roof access hatch with at least one not less than 4 feet (1290 mm) clear pathway to parapet or roof edge

605.11.3.3.3 Smoke Ventilation. The solar installation shall be designed to meet the following requirements:

1. Arrays shall be no greater than 150 feet (45 720 mm) by 150 feet (45 720 mm) in distance in either axis in order to create opportunities for smoke ventilation operations.

2. Smoke ventilation options between array sections shall be one of the following:

2.1. A pathway 8 feet (2438 mm) or greater in width;

2.2 A 4 feet (1290 mm) or greater in width pathway and bordering roof skylights or smoke and heat vents.

2.3 A 4 feet (1290 mm) or greater in width pathway and bordering 4 foot (1290 mm) x 8 foot (2438 mm) "venting cutouts" every 20 feet (6096 mm) on alternating sides of the pathway

605.11.4 Ground mounted photovoltaic arrays. Ground mounted photovoltaic arrays shall comply with Sections 605.11 through 605.11.2 and this section. Setback requirements do not apply to ground-mounted, free standing photovoltaic arrays. A clear brush area of 10 feet (3048 mm) is required for ground mounted photovoltaic arrays.

#### **15.16.255 Seizure of Fireworks.**

Chapter 33 of the California Fire Code is amended by adding the following:

Section 3309 Seizure of Fireworks. The Chief or Law Enforcement agency is authorized to seize, take, remove or cause to be removed, at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored or held in violation of Section 8.60.

FINDINGS: A,B,C,D,E,F APPLY

#### **15.16.257 Additional Requirements for Tanks Located Within Below-Grade Vaults.**

Section 3404.1 of the California Fire Code is amended by adding the following:

1 3404.1.1 General. Storage of flammable or combustible liquids in tanks located  
2 within below-grade vaults shall be in accordance with Section 3404 and the San  
3 Bernardino County Fire Chiefs Policy.

4 FINDINGS: A,C,D,E,F APPLY

5 **15.16.270 LP-Gas permits, Plans and Records.**

6 Section 3801.3 of the California Fire Code is amended to read as follows:

7 3801.3 Permits and Plans. When a commercial installation is 125-gallon  
8 aggregate water capacity or greater, the installer shall submit plans for such  
9 installation.

10 FINDINGS: A,B,C,D,E,F APPLY

11 **15.16.400 Authorized Fire Chief Representative.**

12 Section 1.11.2.1.1 1. (1.1.) is amended by adding the following:

13 Pursuant to California Fire Code Section 1.11.2.1.1 1. (1.1.) and California  
14 Building Code Section 1.11.2.1.1 1.(1.2.) the Building Official is hereby  
15 authorized to act as a representative of the Fire Chief to enforce building  
16 standards adopted by the California State Fire marshal related to new  
17 construction or alterations.

18 **SECTION 3. This ordinance is effective January 1, 2011.**

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

**ORDINANCE OF THE CITY OF SAN BERNARDINO AMENDING CHAPTER 15.16 OF THE SAN BERNARDINO MUNICIPAL CODE AND ADOPTING THE 2010 CALIFORNIA FIRE CODE, WITH APPENDICES, AND INCORPORATING BY REFERENCE THE 2009 EDITION OF THE INTERNATIONAL FIRE CODE AND NECESSARY CALIFORNIA AMENDMENTS, TOGETHER WITH CALIFORNIA CODE OF REGULATIONS, TITLE 24.**

I HEREBY CERTIFY that the foregoing Ordinance was duly adopted by the Mayor and Common Council of the City of San Bernardino at a jt. reg. meeting thereof, held on the 15<sup>th</sup> day of November, 2010 by the following vote, to wit:

COUNCIL MEMBERS:	AYES	NAYS	ABSTAIN	ABSENT
MARQUEZ	<u>X</u>	_____	_____	_____
DESJARDINS	<u>X</u>	_____	_____	_____
BRINKER	_____	_____	_____	<u>X</u>
SHORRETT	<u>X</u>	_____	_____	_____
KELLEY	<u>X</u>	_____	_____	_____
JOHNSON	<u>X</u>	_____	_____	_____
MC CAMMACK	<u>X</u>	_____	_____	_____

Rachel G. Clark  
Rachel Clark, City Clerk

The foregoing Ordinance is hereby approved this 16<sup>TH</sup> day of November, 2010.

PATRICK J. MORRIS  
PATRICK J. MORRIS, Mayor  
City of San Bernardino

Approved as to form:

JAMES F. PENMAN, City Attorney

By: Stephanie Island

**BUILDING STANDARDS COMMISSION**

2525 Natomas Park Drive, Suite 130  
Sacramento, California 95833-2936  
(916) 263-0916 FAX (916) 263-0959



February 18, 2011

Joseph Lease, Building Official  
Community Development Department  
City of San Bernardino  
300 North "D" Street  
San Bernardino, CA 92418

Dear Mr. Lease:

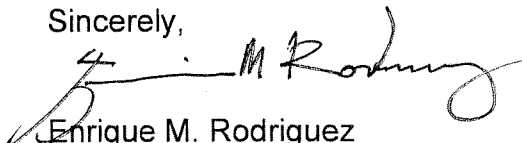
This letter is to acknowledge receipt on January 5, 2011 of the City of San Bernardino submittal pertaining to Ordinance No. MC-1337 with findings and is acceptable for filing. Your filing attests to your understanding that according to Health and Safety Code Section 17958.7 no modification or change to the California Building Standards Code shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission (the Commission).

This letter attests only to the filing of these local modifications with the Commission, which is not authorized by law to determine the merit of the filing.

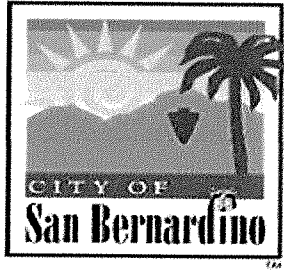
As a reminder, local modifications are specific to a particular edition of the Code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the Code is published. In addition, should you receive Fire Protection District ordinances for ratification, it is required to submit the ratified ordinances to the Department of Housing and Community Development [H&SC Section 13869.7(c)], attention State Housing Law Program Manager, rather than the Commission.

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

  
Enrique M. Rodriguez  
Associate Construction Analyst

cc: Chron  
Local Filings



**Building & Safety Division  
Community Development Department**

300 North "D" Street, San Bernardino, CA 92418  
Phone: (909) 384-5071 FAX: (909) 384-5080  
Website: [www.sbcity.org](http://www.sbcity.org)

January 3, 2011

Mr. David Walls, Executive Director  
California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833-2936

**Re: Filing of Amendments to the 2010 California Building Standards Code by the City  
of San Bernardino**

Dear Sir,

In accordance with Health and Safety Code Section 17958.7, I am hereby filing the attached certified copy of Ordinance MC-1337 as adopted by the Mayor and Common Council of the City of San Bernardino. This ordinance adopts the California Building Standards Code and various local amendments thereto. Section 2 contains findings of necessity based on local climatic, geological, or topographical conditions as required for each specific amendment.

As always, we have tried to keep our local amendments to a minimum in the interest of furthering statewide code uniformity. If you should have any questions please feel free to call me at (909) 384-5171. We welcome your review and feedback.

Sincerely,

Joseph Lease, C.B.O.  
Building Official

Cc: Margo Wheeler, Director  
Terri Rahhal, Interim Director

2011 JAN -5 P 1:14  
CALIFORNIA BUILDING  
STANDARDS COMMISSION

**ORDINANCE NO. MC-1337**

**AN ORDINANCE OF THE CITY OF SAN BERNARDINO AMENDING SECTIONS 15.04.020, 15.04.065, 15.04.070, 15.04.075, 15.04.100, 15.04.114, 15.04.120, 15.04.125, 15.04.130, 15.04.163, 15.04.165, 15.04.167, 15.04.175, 15.04.179, 15.04.180, 15.04.200, 15.04.210, 15.04.220, 15.04.221, 15.04.230, 15.10.040, 15.10.080, AND 12.32.020 AND REPEALING SECTIONS, 15.04.110 AND 12.32.060 OF THE SAN BERNARDINO MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2010 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE, KNOWN AS THE CALIFORNIA CODE OF REGULATIONS, TITLE 24 (CCR, T-24), INCORPORATING THE INTERNATIONAL BUILDING CODE, 2009 EDITION, THE UNIFORM MECHANICAL CODE, 2009 EDITION, THE UNIFORM PLUMBING CODE, 2009 EDITION, THE NATIONAL ELECTRICAL CODE, 2008 EDITION; AND ADOPTING THE UNIFORM HOUSING CODE, 1997 EDITION, THE UNIFORM ADMINISTRATIVE CODE, 1997 EDITION, THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, 1997 EDITION, AND AMENDING THOSE CALIFORNIA BUILDING STANDARDS AS IDENTIFIED HEREIN, THROUGH EXPRESS FINDINGS OF LOCAL NECESSITY.**

WHEREAS, pursuant to California Health and Safety Code Section 17960, local agencies are required to enforce building regulations imposed by Section 17922 of the California Health and Safety Code; and

WHEREAS, pursuant to Section 17958 of the California Health and Safety Code, a city may make changes in the provisions adopted pursuant to Section 17922 of the California Health and Safety Code through express findings of local necessity; and

WHEREAS, it is necessary to update the codes incorporated into the San Bernardino Municipal Code, and

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE CITY OF SAN BERNARDINO DO ORDAIN AS FOLLOWS:

**SECTION 1: Effective Date.** This ordinance shall be effective 30 days following final adoption, but no sooner than January 1, 2011.



**SECTION 2: Findings of Local Necessity.**

Pursuant to Health and Safety Code Sections

17958.7 and 18941.5 a local governing body must make express findings that amendments to state building standards are necessary because of local climatic, geological, or topographical conditions. The following findings, applicable to those sections of the San Bernardino Municipal Code referenced herein, are hereby made:

1.1 In regard to 15.04.020 B(1): It is hereby determined and found that the alternate abatement procedures and requirements contained in the Uniform Housing Code, the Uniform Code for the Abatement of Dangerous Buildings, and Chapter 8.30 of this code, are equivalent to those provided by the State Housing Law (CCR, Title 25).

1.2 In regard to 15.04.020 B(2): The Uniform Administrative Code provides standard administrative requirements for the enforcement of the codes. Such requirements do not constitute "building standards" as defined by law, and therefore a finding of local necessity is not required.

1.3 In regard to 15.04.020 B(3): A number of factors necessitate the adoption of the Uniform Code for the Abatement of Dangerous Buildings. There exists in the City a number of dilapidated and abandoned buildings, which negatively impact the health and safety of the community. Due to the City's relatively temperate winter climate, vagrants are attracted to the area and may illegally occupy many of these substandard structures. The City has experienced numerous structural fires in abandoned buildings which may be caused by the warming fires of vagrants, arson, or other factors. Several lives have been lost in such fires. Due to the propensity of high winds and hot dry weather resulting from "Santa Ana Wind" conditions, adjacent occupied structures and vegetated areas are threatened by fires originating in abandoned buildings.

1.4 In regard to 15.04.065, 15.04.070, 15.04.075, 15.04.100, 15.04.125, 15.04.130, 15.04.163, 15.04.165, 15.04.167, 15.04.175, 15.04.179, 15.04.180, 15.04.220, 15.04.230, and 12.32.020:

Administrative requirements do not constitute "building standards" as defined by law, and therefore a finding of local necessity is not required.

1.5 In regard to 15.04.020 B(5): Patio covers are particularly susceptible to damage from high winds experienced in many areas of the City.

1.6 In regard to 15.04.020B(4), 15.04.120, and 15.04.210: The City is subject to a number of geological hazards which impact grading operations and the construction of buildings. Two major earthquake faults traverse the City; the San Jacinto Fault through the western portion of the City, and the infamous San Andreas Fault to the north. Large portions of the City are subject to liquefaction during seismic events due to poor soil conditions and high water tables. The potential exists for damage due to erosion and landslides caused by ground saturation from heavy rains in the City's foothill areas. In addition, high winds create unique problems for grading operations. As a result, proper grading procedures and their enforcement are necessary to mitigate the potential for loss of life and property damage.

1.7 In regard to 15.04.200 and 15.04.220: At times the City is subject to flooding and soil erosion as a result of severe precipitation. Provisions for adequate erosion control measures are necessary to minimize damage caused by flooding and erosion.

1.8 In regard to 15.04.114: Due to extreme summer temperatures and a multitude of private swimming pools in residential neighborhoods, unsupervised children can be enticed or attracted to such pools which may result in drowning injuries or deaths. Therefore adequate standards for swimming pool barriers are necessary.

1.9 In regard to 15.04.221: Retaining walls may be employed to stabilize surcharges due to site specific topographical features such as steep slopes. When so employed, retaining walls create a falling hazard when the upper slope is accessible to pedestrian activity.

1.10 In regard to 15.10.040, and 15.10.080: Within the foothill areas of the City the threat of wildland fires is an ever-present danger. The Panorama Fire of 1980 destroyed approximately 350 homes and burned 41,000 acres. Another 330 homes were lost in the Old Waterman Canyon Fire in 2003. Wildland fires, aggravated by Santa Ana winds, dry brush, and steep hillside terrain can overcome available fire fighting resources, and can burn out of control for days. Fire-resistive construction standards for Very High Fire Hazard Severity Zones, formerly known as Foothill Fire Zones, are necessary to limit sources of ignition and the spread of fire in such areas.

**SECTION 3.** Section 15.04.020 of the San Bernardino Municipal Code is hereby amended to read as follows (Express findings of local necessity are provided in Section 2 for those subsections marked by an asterisk [\*]):

**“15.04.020 Adoption of Codes by Reference**

**A. Adoption of the California Building Standards Code by Reference.**

Those certain rules and regulations as set forth in the following codes are hereby adopted by reference as the regulations governing the erection, construction, alteration, repair, removal, and maintenance of all buildings and other structures in the City:

- (1) The 2010 edition of the California Building Standards Code, known as the California Code of Regulations, Title 24, incorporating those state adopted model codes listed pursuant to Health and Safety Code Section 17922, and all state adopted amendments thereon, and incorporating:

A. The International Building Code (IBC), 2009 edition, published by the International Code Council;

B. The National Electrical Code (NEC), 2008 edition, published by the National Fire Protection Association;

- 1 C. The Uniform Mechanical Code (UMC), 2009 edition, published by the  
2 International Association of Plumbing and Mechanical Officials;  
3  
4 D. The Uniform Plumbing Code (UPC), 2009 edition, published by the International  
5 Association of Plumbing and Mechanical Officials;  
6  
7 E. The International Existing Building Code (IEBC), 2009 edition, published by the  
8 International Code Council.

9 **B. Adoption of Other Codes by Reference.**

10 In addition to the California Building Standards Codes, those certain rules and  
11 regulations, as set forth in the following codes, and appendices are hereby adopted by  
12 reference and shall regulate the erection, construction, alteration, repair, removal and  
13 maintenance of all buildings and other structures in the City:

- 14 (1) The Uniform Housing Code\* (UHC), 1997 edition, published by the International  
15 Conference of Building Officials;  
16  
17 (2) Uniform Administrative Code\* (UAC), 1997 edition, published by the International  
18 Conference of Building Officials;  
19  
20 (3) Uniform Code for the Abatement of Dangerous Buildings\* (UCADB), 1997 edition,  
21 published by the International Conference of Building Officials;  
22  
23 (4) International Building Code, Appendix Chapter J – Grading\*, 2009 edition, published by  
24 the International Code Council.  
25  
26 (5) International Residential Code, Appendix H – Patio Covers 2009 edition, published by  
27 the International Code Council;

28 (\*Express findings of local necessity are provided in Section 2 of this Ordinance.)

1 It shall be unlawful to erect, construct, alter, repair, remove or maintain any building or  
2 structure, or grade or alter any land, in the City in violation of, or without complying with the  
3 appropriate provisions of the above codes. Copies of each code shall be kept on file in the City  
4 Clerk's Office for inspection and reference and copies of each code shall be furnished to the  
5 Building Official and each deputy.  
6

7 In the event of any inconsistency or conflict between the above codes and the  
8 requirements of other City ordinances or State statutes, the State statutes and City ordinances  
9 shall govern."  
10

11 **SECTION 4.** Section 15.04.065\* of the San Bernardino Municipal Code is hereby  
12 amended to read as follows:

13 **"15.04.065 IBC Chapter 1, Section 105.5.1 is added – Prima Facie Evidence of**  
14 **Abandoned Work.**

15 Section 105.5.1 Prima Facie Evidence of Abandoned Work.

16 Failure on the part of the permittee to obtain an inspection and to demonstrate  
17 substantial progress to the satisfaction of the Building Official within any 180 day period shall  
18 be prima facie evidence that the work has been abandoned and the permit shall have expired."  
19

20 **SECTION 5.** Section 15.04.070\* of the San Bernardino Municipal Code is hereby amended to  
21 read as follows:  
22

23 **"15.04.070 IBC Chapter 1, Section 113.1.1 is added – Board of Appeals Designated.**

24 Section 112.1.1 Board of Appeals Designated.

- 25 1. The Board of Building Commissioners of the City of San Bernardino shall serve  
26 as the Board of Appeals. The Building Official or his designee shall be Clerk of the  
27 Board. The Board shall have such duties as are delegated to it by the International  
28

1 Building Code as adopted by the City, and other duties as may be delegated by other  
2 provisions of the San Bernardino Municipal Code.

- 3  
4 2. All requests for appeal of administrative decisions of the Building Official to the Board  
5 of Building Commissioners shall include a non-refundable appeals fee of Seventy-Five  
6 Dollars (\$75) paid to the City.”

7 **SECTION 6.** Section 15.04.075\* of the San Bernardino Municipal Code is hereby amended to  
8 read as follows:

9 **“15.04.075 IBC Chapter 1, Section 105.2, Item 2 is Amended – Fences Not Requiring a**  
10 **Building Permit.**

- 11  
12 2. Fences not over 6 feet high, except concrete and masonry fences greater than three (3)  
13 feet above grade. Masonry fences shall be constructed in accordance with the standard design  
14 specifications approved by the Building Official, unless an alternate engineered design is  
15 submitted and approved. Exemption from the permit requirements shall not be deemed as a  
16 waiver of the design requirements contained in the San Bernardino Development Code as it  
17 relates to the use or configuration of materials, or to the height of fences in front, side or rear  
18 yards.”

19  
20 **SECTION 7.** Section 15.04.100\* of the San Bernardino Municipal Code is hereby amended to  
21 read as follows:

22 **“15.04.100 IBC Section 2204.1.1 is added – Qualification of Welding Operators.**

23  
24 **Section 2204.1.1 Qualification of Welding Operators.** In addition to Section 2204.1,  
25 the following subsections shall govern all welding work:

- 26  
27 1. All welding shall be done by qualified operators approved by the Building Official. The  
28 Building Official shall prescribe rules and regulations for the tests of welders, and no

operator shall be approved by the Building Official unless and until he/she has first successfully completed such tests as may be given by the Department of Adult-Vocational Education of the San Bernardino City Schools, or San Bernardino Valley College, or has obtained such approval because he/she holds a current welding certificate issued by an accredited testing agency based upon the requirements of the California Department of Adult-Vocational Education. A certificate shall be issued to operators by the Building Official upon successful completion of the required test or tests and/or approval as aforesaid being obtained. Requests for the certificate shall be made by the operator within thirty (30) days after completion of the test. The certificate shall be valid for two years. Subsequent certificates may be obtained by successful completion of required tests, or when the approved operator submits sufficient evidence to the Department of Adult-Vocational Education of the San Bernardino City Schools, or San Bernardino Valley College that he/she has regularly engaged in such work and that such work has been satisfactorily performed during the past year.

2. Every welder employed for welding of steel plate of No. 8 gauge thickness or less shall be qualified for light gauge welding. Every welder employed for field welding shall be qualified to weld in the flat, vertical and overhead positions. Welders, including light gauge welders who are employed for shop welding, shall be qualified in the flat, vertical and horizontal positions.
3. Structural steel welding operators shall be qualified as prescribed by the latest edition of the Structural Welding Code of the American Welding Society.
4. After a welder has passed the required tests, he/she must be capable of performing neat and consistently good work in actual operation. Carelessness, inability to maintain a

uniform arc and poor workmanship will be deemed sufficient cause for revocation of the welder's certificate.

5. A fee of forty dollars (\$40) will be charged by the City of San Bernardino for each original or renewed certificate, which shall be valid for two (2) years.
6. At the time application is made, a certificate may be issued without examination upon presentation of proper evidence that the welder is currently approved for the position either by the Department of Adult-Vocational Education or other acceptable proof of qualification.
7. Testing shall be done under the supervision of the San Bernardino City Schools, Department of Adult-Vocational Education of San Bernardino Valley College or other accredited testing agency."

**SECTION 8.** Section 15.04.110 of the San Bernardino Municipal Code is hereby repealed:

**SECTION 9.** Section 15.04.114\* of the San Bernardino Municipal Code is amended to read as follows:

**"15.04.114 IBC Section 3109.1.1 is added – Barriers for Swimming Pools.**

**3109.1.1 Barriers for Swimming Pools.** The requirements of IBC Section 3109, shall apply to single-family swimming pool barriers. Swimming pools, spas, and hot tubs for which an application for a building permit was submitted prior to July 23, 1993 shall comply with the requirements contained in Chapter 15.48 of the San Bernardino Municipal Code."

**SECTION 10.** Section 15.04.120\* of the San Bernardino Municipal Code is amended to read as follows:

**"15.04.120 IBC Appendix J, Section J101.3 is added – Alquist-Priolo Earthquake Fault Zones.**



1           **J101.3 Alquist-Priolo Earthquake Fault Zones.** This chapter shall also include those  
2 requirements set forth in the “Alquist-Priolo Earthquake Fault Zoning Act (Division 2, Chapter  
3 7.5, California Public Resources Code). This Act is intended to represent minimum criteria for  
4 all structures that fall within the boundaries as shown on the “Earthquake Fault Zones Maps” as  
5 prepared by the California Division of Mines and Geology.”

7           **SECTION 11.**           Section 15.04.125\* of the San Bernardino Municipal Code is amended to  
8 read as follows:

9           **“15.04.125   IBC Appendix J, Section J101.4 is added – Enforcement Authority.**

10           **J101.4 Enforcement Authority.** The Building Official of the City of San Bernardino or  
11 his/her designee shall have the authority for the enforcement of IBC Appendix Chapter J and any  
12 amendments thereto. ”

14           **SECTION 12.**           Section 15.04.130\* of the San Bernardino Municipal Code is amended to  
15 read as follows:

17           **“15.04.130   On-site Improvement Permit.**

18           No person shall construct any on-site improvement for motor vehicle parking or vehicle  
19 circulation, the disposal of waste through a private sewer main, the conveyance of storm waters,  
20 or landscaping and irrigation systems, without first obtaining a permit from the Building Official.  
21 A permit issued by the Building Official for the purpose of construction of the improvements set  
22 forth herein shall hereafter be known as an on-site improvement permit.”

24           **SECTION 13.**           Section 15.04.163\* of the San Bernardino Municipal Code is amended to  
25 read as follows:

26           **“15.04.163   IBC Appendix J, Section J103.1.1 is added – Preparation of Grading Plans.**

1 A grading plan and a grading permit shall be required for any grading activity involving more  
2 than 50 cubic yards. All grading plans shall be prepared by a registered civil engineer.”

3 **SECTION 14.** Section 15.04.165\* of the San Bernardino Municipal Code is amended to  
4 read as follows:  
5

6 **“15.04.165 On-Site Improvement Plans and Specifications.**

7 When required by the Building Official, plans and specifications, and verification of land  
8 use entitlement shall accompany each application for an on-site improvement permit. Plans and  
9 specifications required by the Building Official shall be prepared and signed by a registered civil  
10 engineer. Specifications may be incorporated into the plans as general notes in lieu of a separate  
11 document. Verification of land use entitlement requirements are incorporated into the Grading  
12 Policy promulgated by the Community Development Department.”  
13

14 **SECTION 15.** Section 15.04.167\* of the San Bernardino Municipal Code is amended to  
15 read as follows:  
16

17 **“15.04.167 Information on On-site Improvement Plans.**

18 On-site improvement plans shall contain all information set forth in IBC Chapter 1,  
19 Section 105.3 and shall include additional information as required by the Building Official.”  
20

21 **SECTION 16.** Section 15.04.175\* of the San Bernardino Municipal Code is amended to  
22 read as follows:

23 **“15.04.175 On-site Improvement Plan Review and Permit Fees.**

24 When an on-site improvement plan is required to be submitted, a plan review fee shall be  
25 paid at the time of submittal of plans and specifications. Items to be reviewed shall be  
26 improvements including, but not limited to, paving, curbs, sidewalks, private sewer mains,  
27 drainage facilities, landscaping, and irrigation systems.  
28

1 Fees for each on-site improvement permit shall be paid to the City at the time of permit  
2 issuance.

3 Said on-site plan review and permit fees shall be in an amount established by resolution  
4 of the Mayor and Common Council.”

5 **SECTION 17.** Section 15.04.179\* of the San Bernardino Municipal Code is amended to  
6 read as follows:

7 **“15.04.179 Inspection of On-site Improvements.**

8 All on-site improvements for which a permit is required shall be subject to inspection by  
9 the Building Official or his/her designee.”

10 **SECTION 18.** Section 15.04.180\* of the San Bernardino Municipal Code is amended to  
11 read as follows:

12 **“15.04.180 Bonds Required.**

13 A grading permit shall not be issued unless the applicant has first posted with the  
14 Building Official a good and sufficient surety bond, cash, or certificate of deposit in such an  
15 amount as the Building Official shall estimate and determine to be necessary to cover the total  
16 cost of the project, including corrective work necessary to remove and eliminate geological  
17 hazards. The Building Official shall require a written itemized estimate of the costs of the  
18 grading. The amount of the required bond, cash, instrument of credit or certificate of deposit, is  
19 based on the estimate of cost and shall be given to the owner or applicant prior to the issuance of  
20 the permit.

21 When security for the grading is provided for a development on the site where the  
22 grading is to be done, the bond for the grading required shall be released upon submission of  
23

1 evidence by the permittee to the Building Official that the grading work is complete and signed  
2 off by the Construction Engineer.

3  
4 An agreement between the Redevelopment Agency, the Inland Valley Development  
5 Agency, or the San Bernardino International Airport Authority, and the City of San Bernardino,  
6 approved by the City Attorney and unconditionally providing and guaranteeing that said Agency  
7 shall provide those grading and other improvements and pay the costs thereof required, may be  
8 filed with the Building Official as security in lieu of said bond, cash or certificate of deposit  
9 wherever said project is located in a redevelopment project area and the agreement recites that  
10 the street improvements are in compliance with the Redevelopment Plan for said area and in  
11 furtherance of the public interest in promoting public or private development.”

12  
13 **SECTION 19.** Section 15.04.200\* of the San Bernardino Municipal Code is amended to  
14 read as follows:

15  
16 **“15.04.200 IBC Appendix J, Section J110.1.1 is added – Planting of Slopes.**

17 **J110.1.1 Planting of Slopes.** The Building Official may waive the planting of any slope  
18 less than 5 feet in vertical height. An automatic irrigation system shall be installed for planted  
19 slopes unless recommended otherwise in the preliminary soils report or waived by the Building  
20 Official. If required by the Building Official, a recommendation for types of planting materials  
21 shall be obtained from a Landscape Architect. The Landscape Architect shall, prior to final  
22 inspection, provide the Building Official with a statement that the planting has been done in  
23 accordance with his recommendations approved by the Building Official.”

24  
25 **SECTION 20.** Section 15.04.210\* of the San Bernardino Municipal Code is amended to  
26 read as follows:

27  
28 **“15.04.210 CBC Appendix J, Section J112 is added – Grading Operations.**

1           **J112.1 General.** All parties performing grading operations, under a grading permit  
2 issued by the Building Official, shall have verification of land use entitlement and shall take  
3 reasonable preventive measures, as directed by the Building Official and incorporated into the  
4 Grading Policy promulgated by the Community Development Department, to avoid earth or  
5 other materials from the premises being deposited onto adjacent streets or properties, by the  
6 action of storm waters or wind, by spillage from conveyance vehicles or by other causes.  
7

8           **J112.2 Removal of Materials Within 24 Hours.** Earth or other materials which are  
9 deposited on adjacent streets or properties shall be completely removed by the permittee as soon  
10 as practical, but in any event within 24 hours after receipt of written notice from the City  
11 Engineer, Building Official, or NPDES Coordinator, or their designees, to remove the earth or  
12 materials, or within such additional time as may be allowed by written notice.  
13

14           **J112.3 Noncompliance.** In the event that any party performing grading shall fail to  
15 comply with the requirements of this Section, the Building Official shall have the authority to  
16 engage the services of a contractor to remove the earth or other materials. All charges incurred  
17 for the services of the contractor shall be paid to the City by the permittee prior to acceptance of  
18 the grading.”  
19

20           **SECTION 21.**           Section 15.04.220\* of the San Bernardino Municipal Code is amended to  
21 read as follows:  
22

23           **“15.04.220 IBC Appendix J, Section J110.3 is added – Final Reports.**

24           **J110.3 Final Reports.** A statement from the Landscape Architect shall be submitted to  
25 the Building Official stating that the planting and irrigation system(s) have been installed in accordance  
26 with his recommendations.”  
27  
28

1           **SECTION 22.**           Section 15.04.221\* of the San Bernardino Municipal Code is amended to  
2 read as follows:

3           **“15.04.221   Guardrails for Retaining Walls.**

4                         Retaining walls in excess of 30 inches above grade shall be provided with a protective  
5 fence or guardrail of a minimum height of 42 inches as prescribed in CBC Section 1013.”

6           **SECTION 23.**           Section 15.04.230\* of the San Bernardino Municipal Code is amended to  
7 read as follows:

8           **“National Electrical Code Section 410.120 is added – Time Constraints for Decorative**  
9 **Lighting .**

10                        **410.120   Time Constraints for Decorative Lighting.**   The duration and use of  
11 temporary electrical power and lighting installations for holiday decorative lighting and similar  
12 purposes shall be in accordance with the manufacturer’s intended use and listing.”

13           **SECTION 24.**           Section 15.10.040, of the San Bernardino Municipal Code is amended to  
14 read as follows:

15           **“15.10.040   CBC Section 701A.3.2 is added – Existing Structures:**

16                        **701A.3.2 Existing Structures.**   For existing structures, retrofitting of an element is  
17 required when more than 60% replacement of that element occurs. An addition to an existing  
18 structure need not comply with these standards if the addition does not exceed 60% of the floor  
19 area of the existing structure and the existing structure was not required to meet these construction  
20 standards when originally constructed. Retrofitting of an entire structure is required when a  
21 combination of elements are replaced or other repairs are made equal in value to 60% or more of  
22 the replacement cost of the structure as determined by the building official. Alterations made to  
23 a structure shall not increase the degree of non-conformity in regards to these standards.”

1  
2           **SECTION 25.**       Section 15.10.080\* of the San Bernardino Municipal Code is amended to  
3 read as follows:  
4

5           **“15.10.080   Applicable Building Standards.**

6           The building standards contained in the California Building Code, Chapter 7A, shall  
7 apply in the Foothill Fire Zones and in state designated Very High Fire Hazard Severity Zones.

8           In addition, the following requirements shall apply as noted herein:  
9

- 10          A.     Fencing shall be of approved noncombustible or ignition-resistant material.
- 11          B.     Vinyl window frame assemblies shall have the following characteristics:
- 12                1.     Frames shall have welded corners and metal reinforcement in the interlock area;
- 13                2.     Dual-paned insulated glazed units with at least one pane of tempered glass;
- 14                3.     Frame and sash profiles are certified in AAMA Lineal Certification Program  
15                       (verifying by an AAMA product label or a Certified Products Directory);
- 16                4.     Certified and labeled to ANSI/AAMA/NWDA 101/I.S.2-97 for structural  
17                       requirements.
- 18
- 19          C.     Roof mounted turbine vents shall not be permitted.
- 20
- 21          D.     All roof coverings shall be of non-wood materials with at least a Class A fire-retardant  
22                       rating.
- 23          E.     All new residential structures located within the High Fire Hazard Severity Zone (except  
24                       those rebuilt due to damage or destruction from any one common fire or other  
25                       catastrophe) shall be provided with automatic fire sprinklers. If the floor area of an  
26                       existing residential structure is increased more than 60%, then the entire structure must be  
27  
28

1 retrofitted with fire sprinklers. The design and installation of fire sprinklers systems shall  
2 be approved by the City Fire Department.

3 F. Paper-faced insulation shall be prohibited in attics or ventilated spaces.”  
4  
5

6 **SECTION 26.** Section 12.32.020 of the San Bernardino Municipal Code is amended to  
7 read as follows:

8 **“12.32.020 Assignment of Address Numbers**  
9

10 It shall be the responsibility of the Building Official, or his/her designee, to assign  
11 building address numbers. The Building Official shall give written notice to the owner, occupant,  
12 lessee, tenant, or subtenant of the assignment of an address number. Address numbers that are already  
13 in place shall not be required to be changed unless a conflict exists, the street name is changed, or some  
14 other condition occurs that necessitates an address be changed. The size and location of address  
15 numbers shall be in accordance with the adopted Building and Fire Codes.”  
16

17 **SECTION 27.** Section 12.32.060 of the San Bernardino Municipal Code is hereby  
18 repealed.

19 ///

20 ///



1 AN ORDINANCE... AMENDING SECTIONS 15.04.020, 15.04.065 ... AND REPEALING  
 2 SECTIONS 15.04.110 AND 12.32.060 OF THE SAN BERNARDINO MUNICIPAL CODE AND  
 3 ADOPTING BY REFERENCE THE 2010 EDITION OF THE CALIFORNIA BUILDING  
 4 STANDARDS CODE, KNOWN AS THE CALIFORNIA CODE OF REGULATIONS, TITLE 24  
 (CCR, T-24)... AND AMENDING THOSE CALIFORNIA BUILDING STANDARDS AS  
 IDENTIFIED HEREIN, THROUGH EXPRESS FINDINGS OF LOCAL NECESSITY.

5  
 6 I HEREBY CERTIFY that the foregoing ordinance was duly adopted by the Mayor and  
 7 Common Council of the City of San Bernardino at a joint regular meeting thereof, held on the  
 8 15th day of November, 2010, by the following vote, to wit:

<u>Council Members:</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
10 MARQUEZ	<u>X</u>	_____	_____	_____
12 DESJARDINS	<u>X</u>	_____	_____	_____
13 BRINKER	_____	_____	_____	<u>X</u>
14 SHORETT	<u>X</u>	_____	_____	_____
15 KELLEY	<u>X</u>	_____	_____	_____
16 JOHNSON	<u>X</u>	_____	_____	_____
17 MC CAMMACK	<u>X</u>	_____	_____	_____

19  
 20 Rachel G. Clark  
 City Clerk

21  
 22 The foregoing ordinance is hereby approved this 16th day of November, 2010.

23  
 24 Patrick J. Morris  
 Patrick J. Morris, Mayor  
 City of San Bernardino

25 Approved as to Form:

26 JAMES F. PENMAN,  
 City Attorney

27  
 28 By: Stephanie Coburn

I hereby certify that this copy is a  
 true and correct copy of the original  
 on file in this office. I declare under  
 penalty of perjury that the foregoing  
 is true and correct. Executed at  
 San Bernardino, California.

Date: Jan 3, 2011

By: [Signature]  
 Development Services Department  
 City of San Bernardino